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SUBJECT: A COORDINATED APPROACH ON DEMOCRACY AND HUMAN
RIGHTS CONCERNS IN AZERBAIJAN

REF: A. BAKU 590 NOTAL

[1](#)B. BAKU 664 NOTAL

[1](#)C. BAKU 601 NOTAL

[1](#)D. BAKU 611 NOTAL

[1](#)E. BAKU 616 NOTAL

[1](#)F. STATE 68180 NOTAL

[1](#)G. BAKU 689 NOTAL

[1](#)H. BAKU 758 NOTAL

[1](#)I. BAKU 828 NOTAL

[1](#)1. (U) This is an action request.

[1](#)2. (SBU) Promoting democratic reform and respect for human rights in Azerbaijan, a geo-strategically important, secular Muslim country, is a high USG priority. In December 2006, DRL A/S Lowenkron met with President Ilham Aliyev to launch a formal senior-level bilateral democracy and human rights dialogue covering five key areas: media freedom, protection of human rights, rule of law/anti-corruption, political process (Parliament, local government, and elections), and active and engaged citizens/civil society. Aliyev directed GOAJ FM Mammadyarov to continue the dialogue with A/S Lowenkron in Washington in March 2007. The Department is concerned by a series of recent prosecutions and convictions of opposition and independent journalists (refs c-e). The most serious incidents include the imprisonment of seven prominent journalists. The Department also is concerned by the lack of transparency and due process in the opening stages of recent trials, including the trial of former Minister of Economic Development Farhad Aliyev (refs a-b). In addition, the Department is concerned by the GOAJ's continuing restrictions on freedom of assembly, including the inappropriate level of force Baku police used to break up a June 14 protest. We have raised these issues with the GOAJ. European states often have expressed interest in raising these issues with us, but lack instructions from their capitals. It is important that the GOAJ receive an urgent, strong message from as many of its international partners as possible that democratic reform remains a high priority for the West in its engagement with Azerbaijan and that recent developments, especially with respect to media freedom, freedom of assembly, and due process, are causing deep concern.

[1](#)3. (SBU) Following up on the recent demarche to the GOAJ organized by the U.S. and led by the U.S., COE, and OSCE, and including representatives of France, Germany, Greece, Norway, Turkey, and the UK, posts are requested to raise with host governments and appropriate EU, COE and OSCE officials, our growing concerns about the deterioration in the human rights situation in Azerbaijan with respect to media freedom, freedom of assembly, and rule of law, and to urge increased bilateral and multilateral engagement with the GOAJ on these

issues. Interlocutors should, in particular, be asked to instruct and authorize their missions in Baku to actively coordinate with the U.S. and other embassies on joint approaches to the GOAJ. Posts should draw as appropriate on the brief background and current specific concerns in paras 5-7. Country-specific guidance is provided in para 8.

¶4. (SBU) For USEU and EU member state capitals: The European Union has a powerful new tool to help support and spur democratic reform in Azerbaijan through its new European Neighborhood Policy (ENP) Action Plan. However, the European Commission has delayed opening a full mission in Azerbaijan and appointing a Head of Mission several times. We believe the EU needs a full time senior level representative in Azerbaijan as soon as possible. We urge the Commission to appoint a Head of Mission as soon as possible.

Media Freedom

¶5. (SBU) Suggested talking points on media freedom follow.

-- Our concern over the state of media freedom has intensified in recent months, as the list of journalists imprisoned for criminal libel and other allegations, related to freedom of expression, continues to grow.

-- On May 20th the Government of Azerbaijan closed the offices of prominent media outlets Realny Azerbaijan and

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Gundelik Azerbaijan. There has been a recent reported death threat against the founder of both publications, Eynulla Fatullayev, who recently was convicted of criminal libel and is one of seven journalists imprisoned for crimes clearly related to freedom of expression. He was charged on July 4 for allegedly supporting terrorism and inciting national, ethnic, and/or religious hatred. We believe the basis of these charges is an article in which Fatullayev criticized the GOAJ and the USG for supporting a UN Security Council resolution on Iran, and listed probable targets in Azerbaijan in the event of an attack by Iran. Reports of harassments, threats, and physical assaults against journalists continue.

-- The U.S. Government has repeatedly raised concerns about these developments with the GOAJ, bilaterally and at the OSCE. We had been encouraged by President Aliyev's positive statements and previous instructions to discourage criminal libel suits, but are disappointed that such suits have not only restarted, but are on the increase.

-- Recent discussions by the U.S. Ambassador with the highest levels of the GOAJ (ref g) indicate that President Aliyev and other senior officials have heard the concerns of the international community and may be starting to address these serious media freedom concerns. Presidential Chief of Staff Ramiz Mehdiyev proposed the creation of a working group to produce an action plan on improving the media climate (ref h). The ruling Yeni Azerbaijan Party held a June 21 roundtable on press freedom, including pro-government, independent, and opposition press. Parliamentary and press sources report that the GOAJ may release some journalists on/about July 22: Azerbaijani National Media Day. We want to encourage this trend and hope your Embassy in Baku will work with ours and the GOAJ to do so.

-- Concerted effort by the international community stands the best chance of influencing the GOAJ on this difficult issue. The USG has pushed for dialogue between the press and the government; a GOAJ call to government officials and the public to desist from filing criminal libel cases; decriminalization of libel; development of an alternative dispute settlement mechanism for libel cases; vigorous investigation and prosecution of crimes of violence against journalists; release of imprisoned journalists; and training

for journalists to raise professional and ethical standards.

-- We also would appreciate any information that you could provide on technical assistance that your government is providing, or plans to provide, to strengthen the independent media in Azerbaijan.

FREEDOM OF ASSEMBLY

¶6. (SBU) Suggested talking points on freedom of assembly follow.

-- Although we view the Azerbaijani Government's decision to permit select groups to hold rallies since January as a positive step, we remain concerned by continuing restrictions on freedom of assembly. This includes the government's policy of limiting the permissible venues for rallies in Baku to a handful of distant, low-profile locations.

-- On June 14, Baku police used an inappropriate level of force to disperse a group of approximately 25 journalists, who had gathered to protest the deteriorating media freedom situation. Nine individuals report having been beaten, including two journalists who had been covering the event rather than participating.

-- The U.S. Government has raised its concerns with restrictions on freedom of assembly bilaterally with the government many times; however, increased attention from the European capitals will elevate the profile of international concern on this important issue.

-- We hope that the GOAJ's current dialogue with the Council of Europe Venice Commission will result in positive changes to the law on freedom of assembly, and we support the Council of Europe's and the OSCE's recommendations on changes to this law.

Aliyev Trial

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¶7. (SBU) Background: In October 2005, then-Minister of Economic Development Farhad Aliyev, along with his brother, then - AzPetrol head Rafiq Aliyev and a number of others, were arrested for allegedly attempting to foment a coup d'etat. The GOAJ did not present any evidence to substantiate this charge (other than apparent forced confessions) and then later announced that the defendants would stand trial on other charges involving corruption and embezzlement. The trial of the Aliyev brothers and seventeen other defendants started in May (refs a-b). Most international and domestic monitors (with the exception of two OSCE trial monitors), some family members, and some independent and opposition journalists, were initially denied access to the courtroom to observe the trial, although all journalists later gained access. U.S. Embassy observers have been permitted access since June 18, but the British Embassy and representatives from the American Bar Association continue to be denied access. There are continuing reports that Farhad Aliyev's family members are not permitted to visit him in detention. Suggested talking points on the Farhad Aliyev case follow.

-- The trial of former Minister of Economic Development Farhad Aliyev and his brother Rafiq Aliyev renew longstanding concerns about Azerbaijan's commitment to fair and transparent judicial due process.

-- All OSCE participating States have committed themselves to a "fair and public hearing by a competent, independent and impartial tribunal."

-- Senior U.S. officials, including A/S Lowenkron, have stressed to the GOAJ the importance we place on judicial due process, which includes a fair and transparent trial for all Azerbaijani citizens. We are concerned by a number of human rights and due process issues, including the continued denial of access to the trial for some international and local observers, and the lack of microphones in the courtroom, which makes it difficult for those observers who are present to hear the proceedings.

-- In light of the high political profile of this trial, the degree to which it is, and is perceived to be, fair and transparent, will have important implications for the development of political pluralism and rule of law in Azerbaijan.

-- We also are concerned that Farhad Aliyev,s family is not permitted to visit him in detention. The Ambassador raised this on July 2 with the Human Rights Ombudswoman, who said that she had referred the matter to the Prosecutor General,s Office, which to our knowledge, has not taken any action to resolve the problem.

Country-specific guidance

18. (SBU) Specific guidance for the EU, OSCE, and others follows.

-- For Berlin: Express appreciation for the German Charge's participation in the June 14 "Friends of Azerbaijan" demarche of Presidential Chief of Staff Mehdiyev on media freedom, and encourage continued coordination on the democracy and human rights concerns discussed above. Highlight the fact that many of the other EU member states, bilateral missions in Baku wait for German action before deciding their own responses. Encourage Germany to seek approval to take these actions via the EU presidency, not just in its bilateral role.

-- For Ankara, Athens, London, Oslo, Paris: Express appreciation for the Embassy in Baku's participation in the June 14 "Friends of Azerbaijan" demarche of Presidential Chief of Staff Mehdiyev, and encourage continued coordination on democracy and human rights (Oslo and Paris: Please see additional guidance below).

-- For Helsinki: As incoming OSCE Chairman-in-Office (CIO), Finland will have an opportunity to exercise leadership in focusing on these issues. Amb Hekala has been very active on these issues. We encourage you to consider an early trip to Azerbaijan with substantive discussions on democracy and human rights concerns.

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-- For Madrid and USOSCE: As current OSCE Chairman-in-Office, Spain is in a position to use its good offices to impress upon Azerbaijan the concern of the international community. We encourage you to consider ways to address these issues.

-- For Oslo: We appreciate the leadership role on democratization and human rights played by Norway and we wish to continue close cooperation in Baku between our respective embassies on these issues.

-- For Paris: We applaud France's leadership role as in-country representative of incoming EU chair Portugal (which is not represented in Baku). Strong, active French leadership on democracy and human rights issues will ensure similar action from other European bilateral missions. We

appreciate France's concern that private dialogue, rather than public criticism, is more effective; we hope France as the EU President's representative in Baku can play a strong role in encouraging more private dialogue.

-- For Poland, Czech Republic, Slovakia, Hungary, the Baltic states, and Azerbaijan's neighbor Georgia: We encourage active efforts on your parts to share your experiences in democratic transformation with GOAJ counterparts at all -- especially senior -- levels. We would like to highlight Poland's leadership role in the Community of Democracies and encourage Poland to follow up on its "mentoring" of Azerbaijan on democratic reform.

-- For Seoul: We would like to emphasize South Korea's leadership role in the Community of Democracies and the commitments expressed in the 2000 Final Warsaw Declaration in support of due process of law and media freedom. South Korea's engagement would be particularly welcome, as it would help to refute the allegations of some in the GOAJ that an alleged "eastern" mentality is a factor in political reform (ref h).

-- For Brussels: Through the EU Action Plan, Commission has significant leverage and great leadership opportunity. We strongly encourage the EC to open a full-fledged office in Baku and assign a full-time Ambassador as soon as possible.

19. (U) Please slug responses for DRL/AE Wendy Silverman and EUR/CARC Lane Bahl, and include Embassy Baku as an info addressee.
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